

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES  
MAY 18, 2009**

The Planning Commission meeting was called to order at 7:00 p.m. in the Council Chambers.

Commissioners' Present: Brown, Krebs, Overberger, Schinner, Zwick  
Commissioners' Absent: Harris, Sisich

**OPEN TIME FOR PUBLIC EXPRESSION**

Randall Lee, Cypress Road, expressed concern about setback violations at 24 Cypress. He stated that there is a discrepancy between the neighbor's survey and the survey he recently had done.

Overberger said property line disputes are between neighbors and a civil matter.

Mr. Lee said there was a planning application that was approved last year. He would like the Town to restrict any further construction until the court hearing has taken place in July.

Town Attorney Hurd stated that because this was open time, as opposed to an agenda hearing, the Commission was permitted to listen and briefly respond to Mr. Lee, but that this issue should not be the subject of Commission discussion. Hurd also noted that boundary disputes are typically a civil matter between individual property owners.

In response to Krebs, Hurd said the plans approved by the Town are based on the data in the plans submitted by the applicant. If the submitted plans are found to later be inaccurate, the Town can make an investigation and the project could be abated as necessary. Also, if a complaint is made, it will be investigated like all other complaints.

**C. CONTINUED ITEMS**

None

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**Minutes – March 16 and May 4, 2009**

M/s Brown/Schinner, and unanimously passed, to approve minutes.

**REGULAR AGENDA**

1. **DR-0902/U-0905 – Dixon Long, 123 Sturdivant Avenue, APNs 006-231-32, 006-231-09, 006-231-10**, Hillside Design Review of exterior alterations and additions totaling 517 square feet to an existing 3,654 square foot dwelling (Code maximum: 4,580 square feet) on APN 006-231-32, and a Use Permit to demolish an existing 720 square foot dwelling on APN 006-231-09 (a lot merger of all 3 parcels will be processed administratively as a condition of any design review approval) on property located in the R-1 Zoning District. (Staff person: Boyle)

Senior Planner Boyle presented the staff report.

Zwick questioned what the General Plan states about the reduction in living units. Wight said that in this case, the second unit is in fairly bad shape and there are safety issues, although staff does encourage residential housing.

Zwick asked how it was derived to be two stories, not three. Boyle stated it is currently three stories and that the slope permits three. In addition, Boyle stated there is an area designated as storage that has a wood subfloor and is under the required head height of 7.5', and thus is not counted in the FAR.

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Dickson Long, property owner, explained that this property is now going to belong to his late wife's daughter and her family. He noted the residential unit at 111 Sturdivant Ave. is in terrible shape and it needs to be demolished. He noted that he is also in support of merging the lots.

In response to Commission questions, Tom Hendricks, architect, stated the storage area is approximately 400 square feet and it does not have proper egress and currently has a washer and dryer in it. There is no heat or proper ventilation. With regard to the darker window trim as suggested by staff, they owner wants to keep the existing white window trim. He noted this is the historic color of the house since the 1920's and presented photographs indicating such. Mr. Hendricks said they are also in discussion with the Ross Valley Fire Department to keep the Bay trees that are proposed to be removed.

Krebs recused himself from the discussion because he just realized his firm has done some legal work for the owner's son-in-law.

Mr. Long acknowledged that they want to keep the spirit of the house and are reluctant to use darker windows and trim.

Overberger asked what the copper will be used for. Hendricks said it will be used for the roofs of the two bay windows and the small canopy over the mudroom entry door, as well as the gutters and downspouts. Overberger said that copper leaches into the soil and suggested the architect use another material.

Brown asked for clarification on stories and FAR. Boyle explained.

Schinner asked for the location of 111 Sturdivant Ave. on the photograph.

Zwick said he likes the project but has uneasiness in losing housing stock. He is also reluctant to use copper because of what it does to the environment. He would still like the white trim and paint color to be changed from white.

Brown said he likes the project and the finishes and does not have any objection to the contrasting colors. However, he would also support a compromise to a darker color.

Schinner said there are only minor alterations to the project and he does not feel it would be appropriate to make all the changes.

Overberger said she feels strongly about the use of copper metal and based on the size of the project she has no objection to the contrasting colors.

Mr. Long said he was not aware of the copper material and there are several other materials that could be used. They do appreciate the issue of the housing stock being reduced however this existing house is in such poor shape and they are worried about liability.

Boyle said it is his understanding that all windows are being replaced and perhaps there is an opportunity to change the window color. In addition the entire building is proposed to be painted.

M/s Brown/Schinner, and passed (5-0), to approve the application with the following amendment: a different material (not copper) be use on the exterior and suggested the muting of the window trim, but not requiring it. The audience was advised of the ten (10) day appeal period to the Town Council.

Krebs returned to the dais.

**DISCUSSION ITEM**

**Green Building**

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Building and Planning Director Wight said that there is a movement to jointly work on a Green Building Ordinance with other local jurisdictions and the Council is in support of this. They have appointed Councilmember Judy House and the Commission is being asked to appoint a member. Meetings will begin in mid-June. Wight stated that staff members are also signed up for green building classes.

In response to Zwick, Wight said the group is leading towards Build It Green.

Overberger asked if the Commission could have a copy of the calendar, to which Wight affirmed. She noted that this has just come forward by Bob Brown, Planning Director of San Rafael.

Zwick said at the end of the day all we want is a sustainable ordinance. Wight stated that 5 out of the 7 jurisdictions do not currently have an ordinance.

The consensus of the Commission was to appoint Mike Brown to the sub committee.

**ITEMS FROM PLANNING COMMISSION**

Overberger said between Center and Madrone volunteers have planted vegetation. The Quality of Life Commission is looking for other individuals who have donated their time that could be recognized.

Overberger asked how long a building permit is valid for. Wight explained the process. Overberger asked what can be stored on the site if a permit has expired. Wight said she will look into the matter.

**G. ITEMS FROM STAFF**

Wight explained that all the planning fees have increased and we have added additional fees.

Zwick asked about the Town Council ordinance regarding excavation. Hurdy said it is his belief that it was discussed at the Council and it will come to the Commission.

Overberger would like to see the discussion about a View Ordinance on a future Planning Commission agenda. Wight said that most certainly it would come to the Commission. Zwick said Tiburon should be contacted because there is a particular project in Tiburon that has had many discussions regarding views.

Wight said the Town Attorney has come up with wording for Robson and Isabel Cook under Public Facilities. The Council has repealed the ordinance because of neighborhood concerns and there have been three meetings with the neighbors thus far. The new Recreation Director will come up with a new ordinance proposal based on the neighborhood concerns.

**ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 1, 2009**

The meeting was adjourned at 8:00 p.m.

Barbara Chambers  
Assistant Planner